IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Crl.MC.No. 119 of 2007()

SC.526/2004 of II ADDL.ASSISTANT SESSIONS COURT, ERNAKULAM

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PETITIONER/ACCUSED:

SHIJAS ALI,
S/O.ALI, AGED 27 YEARS, RESIDING AT
PARAKKATTIL HOUSE, KADAMBETHMOOLA,
KARIMUKAL, PUTHENCRUZE VILLAGE,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.SABU THOZHUPPADAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE CIRCLE
INSPECTOR OF POLICE, TRIPUNITHURA THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.THOMAS JOHN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.119 of 2007

Dated this the 15th day of January 2007

O R D E R

The petitioner was the second accused in a crime registered interalia under Section 436 read with 149 I.P.C. The co-accused, who faced trial have all been acquitted. But the petitioner was not available for trial. In these circumstances, the case against the petitioner has been split up. Warrants of arrest have been issued by the learned Sessions Judge against the petitioner.

2. The petitioner now wants to surrender before the learned Sessions Judge . He apprehends that his application for bail may not be considered on merits, in accordance with law and expeditiously by the learned Sessions Judge. He, therefore, prays that the directions under Section 482 Cr.P.C. may be issued to the learned Sessions Judge to release the petitioner on bail when he appears and applies for bail.

3. I find no merit in the said prayer. It is for the petitioner to appear before the learned Sessions Judge and explain to the learned Sessions Judge, the circumstances under

which he could not earlier appear before the learned Sessions Judge.

3. I find absolutely no reason to assume that the learned Sessions Judge wound not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient General directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Sessions Judge and applies for bail, after giving sufficient prior notice to the learned Public Prosecutor in charge of the case, the learned Sessions Judge must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006